

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-  
1(b)

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PNC BANK, NATIONAL ASSOCIATION, as  
servicer for MANUFACTURERS AND  
TRADERS TRUST COMPANY, A/K/A M&T  
BANK, SUCCESSOR BY MERGER WITH  
HUDSON CITY SAVINGS BANK  
R.A. LEBRON, ESQ.  
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In Re:

ROBERT L. FRANKLIN dba  
CASDAQ, LLC

Debtor(s).



Order Filed on February 23, 2018  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

Case No.: 17-21641 ABA

Chapter: 13

Hearing Date: February 6, 2018

Judge: Hon. Andrew B.  
Altenburg, Jr.

Recommended Local Form: ☐ Followed ☒ Modified

ORDER RESOLVING CREDITOR'S CERTIFICATION OF DEFAULT  
WITH CONDITIONS

The relief set forth on the following page(s) is hereby **ORDERED**.

**DATED: February 23, 2018**

  
Honorable Andrew B. Altenburg, Jr.  
United States Bankruptcy Court

Applicant:	PNC BANK, NATIONAL ASSOCIATION, as servicer for MANUFACTURERS AND TRADERS TRUST COMPANY, A/K/A M&T BANK, SUCCESSOR BY MERGER WITH HUDSON CITY SAVINGS BANK
Applicant's Counsel:	Fein, Such, Kahn & Shepard, P.C.
Debtor's Counsel:	BRUNO BELLUCCI, III
Property Involved (Collateral")	204E PATCONG AVENUE LINWOOD, NJ 08221

Relief sought:

- ☒ Creditor's Certification of Default
- ☐ Motion for relief from the automatic stay
- ☐ Motion to dismiss
- ☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Certification of Default is resolved, subject to the following conditions:

1. Status of post-petition arrearages:

☒ The Debtor is overdue for 3 months, from December, 2017 to February, 2018.

☒ The Debtor is overdue for 3 payments at \$4,813.76 per month with \$1,552.56 in suspense plus attorney's fees in the amount of \$400.00.

☐ The Debtor is assessed for N/A late charges at N/A per month.

☐ Applicant acknowledges receipt of funds in the amount of N/A received after the motion was filed.

Total Arrearages Due \$13,288.72.

2. Debtor must cure all post-petition arrearages, as follows:

☐ Immediate payment shall be made in the amount of \$N/A. Payment shall be made no later than N/A.

☒ Beginning on March 1, 2018, regular monthly mortgage payments shall continue to be made in the amount of \$4,813.76.

☐ Beginning on N/A, additional monthly cure payments shall be made in the amount of \$N/A for N/A months.

☒ The amount of \$12,888.72 shall be capitalized in the Debtor's Chapter 13 plan. The Debtor's monthly payment to the Chapter 13 Trustee is modified to be \$\_\_\_\_\_per month.

3. Payments to the Secured Creditor shall be made to the following address(es):

☐ Immediate payment:

☒ Regular monthly payment: PNC Mortgage  
3232 Newmark Drive  
Miamisburg, OH 45324

☐ Monthly cure payment:

4. In the event of Default:

☒ If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

☒ The Applicant is awarded attorneys fees of \$400.00, and costs of \$N/A.

The fees and costs are payable:

☒ through the Chapter 13 plan.

☐ to the Secured Creditor within \_\_\_\_\_ days.

☐ Attorneys' fees are not awarded.